

Def Item 2 REFERENCE NO - 18/502735/FULL		
APPLICATION PROPOSAL Erection of a new supermarket (Use Class A1) and a hotel (Use Class C1) along with associated accesses, car and cycling parking, lighting, drainage, hard and soft landscaping and associated infrastructure.		
ADDRESS Land At Perry Court Ashford Road Faversham Kent ME13 8YA		
RECOMMENDATION – That delegated authority be given to grant planning permission subject to resolution over the process to bring forwards new bus stopping points on Ashford Road, and completion of a S106 Agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL <ul style="list-style-type: none"> • The site forms part of a strategic mixed use development site as allocated under policy MU7 of the local plan. • The principle of a hotel has already been established through the grant of outline permission • The impact of the retail unit has been assessed and found to be acceptable • The scale and design of the development is considered to be acceptable. • The scheme would not result in unacceptable impacts upon the public highway network subject to financial contributions to mitigate impacts at the A2 / A251 and at Brenley Corner • The sustainable measures proposed and landscaping of the site have been improved and found to be acceptable • Other localised impacts have been assessed and found to be acceptable. 		
REASON FOR REFERRAL TO COMMITTEE This application was deferred by the Planning Committee on 30 th May 2019, and reported back to the Planning Committee on 12 th September. Following a number of concerns raised by Members, the application was “called-in” and deferred to a future meeting.		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT HDD (Faversham) Limited And Premier Inn Hotels Limited AGENT Pegasus Planning Group
DECISION DUE DATE 06/09/18		PUBLICITY EXPIRY DATE 08/08/19

1. Background

- 1.01 This application was reported to the Planning Committee on 30th May 2019 and again on 12th September 2019. A copy of the September report is attached as Appendix A, and the May report as Appendix B. At the September meeting, the Planning Committee raised a number of concerns relating to the scheme, following which the application was subsequently “called in” under my powers and deferred to a future meeting. This enables me to provide Members with further advice on the specific concerns raised.

1.02 The specific concerns raised by the Planning Committee can be categorised as follows

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- Design of buildings
- Impact of food store on Faversham Town Centre
- Lack of certainty over delivery of A2 / A251 junction improvements
- Air quality impacts
- Scale of food store compared to that approved under outline permission 15/504264/OUT
- Impact on the setting of a listed building (The Oasthouse, Perry Court Farm)
- Impact of the larger scale buildings upon the amenities of neighbouring properties on Ashford Road

1.03 Following these concerns, I have (where relevant) sought further advice from consultees. The applicant has also made some design changes to the buildings, offered a further sum of £20,000 towards sustainable transport objectives, and revisited the electric vehicle charging strategy.

1.04 I have set out in the following sections the further consultee advice received and the revisions made to the scheme. I have also provided further advice on the grounds of concern raised by Members at the September committee – and the likelihood of these being reasonable grounds for refusal that would stand up at a planning appeal.

2. FURTHER CONSULTATION RESPONSES

2.01 **Kent County Council Highways** – On the matter of the junction improvements, KCC Highways advise that some £920,500 has been or will be secured via S106 Agreements from a number of developments in the area that will fund the improvement works (noting that some schemes have a resolution for approval but the S106 Agreements have not yet been completed). The expectation is that £300,000 will be available imminently (Perry Court residential) with a further £187,000 expected fairly quickly. KCC Highways also advise that they are looking at opportunities to forward fund the scheme so there are minimal delays.

2.02 In respect of the analysis of the junction impacts arising from the food store proposal, KCC Highways advise as follows -

“The analysis completed demonstrates that the movements from the development on the A2/A251 junction equate to a 1.1% increase in the AM and a 2.2% increase in the PM. Such percentages are very minor and indeed well within the 5% usually quoted for daily fluctuations in flows. In addition the Highway Authority had requested very robust trip generation calculations for the Aldi store element of the development. This has been assessed in line with supermarkets rather than discount stores as originally proposed by the applicant. Two of the three Supermarkets assessed for the trip generation were over double in size of the proposed application and whilst supermarkets remain the most appropriate comparable parameter, as in this case, Aldi stores generally require significantly smaller car parks than a standard supermarket. There are also a number of food retail options in the local vicinity. For these reasons I am confident that the assessment completed is robust, the contribution being offered is appropriate and that should there be any, temporary delay, between the opening of the

supermarket and the delivery of the signalised A2/A251 junction, there are no Highway concerns.

The application was assessed against all committed schemes and includes all movements associated with full occupation of the local plan development sites. Clearly it is expected that the Aldi would be open before the full occupation of all the committed sites including that of the adjoining Perry Court site, therefore there will be a considerable time lag between the point at which the store opens and all that “committed” development traffic hits the network.”

- 2.03 In respect of the further sum of £20,000 offered by the applicant towards sustainable transport initiatives, KCC Highways advise that this would potentially enable further bus stops to be installed on Ashford Road, with potentially a layby and footpath extension to connect to Perry Court. KCC Highways would prefer this to be undertaken under a S278 Agreement, which would require a scheme to be provided by the applicant and a further consultation to take place with local residents as part of the application process.
- 2.04 **SBC Design and Conservation Officer** – Advises that the listed oast building is sited some 400m from the proposed buildings, to the north west of the larger Perry Court development site. This distance is significant, and permission has already been granted for residential development on the land between the listed oast house and the application site. He does not consider that there would be any harmful impacts arising to the setting of this oast building.

3. APPRAISAL

- 3.01 This section deals specifically with the concerns raised by the Planning Committee at the meeting on 12th September 2019.

The certainly of delivery of improvements to the A2 / A251 Junction

- 3.02 KCC Highways have provided further comments on this above. Substantial funding has / is being secured through various developments in the area, some of which is imminent. KCC are also looking to forward fund the scheme in the event that some monies do not come forward soon enough.
- 3.03 Members will note the advice from KCC that the proposed vehicle movements have been very robustly tested, and that even if there was a temporary delay between the junction works being provided and the opening of the food store and the hotel , no highways concerns are raised. Furthermore, that there will be a considerable time lag between opening of the food store and the completion of all committed housing schemes in the area – when all predicted development traffic hits the road network.
- 3.04 On this basis, whilst I cannot provide Members with a definitive date upon which the junction improvement works will be completed, the advice from KCC Highways is very clear that the opening of the food store and the hotel, even if the junction works have not been implemented, will not cause unacceptable highways impacts.
- 3.05 Some Members at the September committee queried whether a Grampian condition could be imposed to prevent occupation of the food store and the hotel prior to completion of the improvement works. Planning conditions should only be imposed in situations when, without such conditions, a development would be unacceptable. It is clearly evident that KCC Highways do not consider this to be the case.
- 3.06 On the basis of the above, I consider the advice from KCC Highways to be clear, that the development would not cause any unacceptable highways impacts.

- 3.07 In the event that the Planning Committee was minded to refuse the scheme on highways grounds, I consider there would be a high likelihood that such a refusal would not be credible at an appeal, based on the fact that the Planning Committee has no technical evidence to support a refusal. In my opinion there would be a high risk of costs at an appeal in such a scenario.

Air Quality

- 3.08 Members will have read the Air Quality report prepared by the applicant, and the written advice from the Council's Environmental Protection Team Leader set out in both committee reports, as well as his verbal advice at both committee meetings.
- 3.09 I consider this advice to be clear, that the scheme would not result in unacceptable impacts to air quality. As stated above, in the absence of contrary technical material to support a refusal, I consider that to refuse on such grounds would be very difficult to defend at an appeal, with a high risk of costs being awarded against the Council.

Impact upon the setting of the listed building

- 3.10 The proposed food store and hotel would be sited approximately 400m from The Oasthouse at Perry Court, a Grade II listed building. This is a significant distance, over land that forms part of the wider Perry Court development site and has permission for housing development (which is being implemented). I have provided comments above from the Council's Conservation Officer, which I consider to be clear that there is no identifiable harmful impact on the setting of this oast that would arise from the development.
- 3.11 I consider this advice to be clear, that the scheme would not result in any unacceptable impacts upon the setting of this listed building. Given the significant intervening distance, the allocation of the wider site for development, and the permission for housing development (under construction) on this intervening land, I consider that to refuse on such grounds would be very difficult to defend at an appeal, with a high risk of costs.

Viability of town centre

- 3.12 This application has been assessed by two separate consultants specialising in retail planning, on behalf of the Council. Both reports are available to Members (and the public) online, and the latest report (WYG Planning) was appended to the September report, and is attached again as Appendix C. Both consultants concluded that there would not be any significant adverse impacts upon Faversham Town Centre, which is the test to be applied under paragraph 90 of the NPPF, and on this basis I do not consider it would undermine the vitality and viability of the town centre in accordance with Policy DM2 of the Local Plan.
- 3.13 I consider the retail consultants' advice to be clear, and based on expert retail analysis. In the absence of contrary technical analysis to support a refusal, I consider that to refuse on such grounds would be very difficult to defend at an appeal, with a high risk of costs.

Impact of the buildings upon the amenities of existing residential dwellings on Ashford Road.

- 3.14 The proposed buildings would be sited some 55-60 metres from the existing dwellings fronting the east side of Ashford Road. The proposed food store would measure up to 8.5 metres in height and the hotel building 11 metres in height. Due to land levels, these

buildings would be sited approximately 1.5 metres above the level of the dwellings on Ashford Road.

- 3.15 In terms of privacy, Members may be aware that typical separation distances of 21 metres are normally applied between “back to back” relationships between dwellings, i.e. across private rear gardens. Whilst this application is not a “dwelling to dwelling” relationship, the proposed development would be around three times greater than this normal separation distance – and this relationship is with the front of the dwellings, where privacy issues are far less of a concern than to the rear of dwellings. Furthermore, there are no windows (other than to a staircase to the hotel building) on upper floors that would face these dwellings.
- 3.16 In terms of light loss, the BRE Good Practice Guide for Daylight and Sunlight sets out a test that is often used to determine whether light loss is likely to be an issue with new development proposals. The test advises that a 25° line should be drawn from the centre of a window in any existing building facing a new development. If the proposed development interferes with this line, then there is a risk that it would affect daylight provision to such window(s). In applying this guideline to the Perry Court proposal, it is clear that the 25° line is not breached (or even close to being breached).
- 3.17 In terms of outlook, the development will be visible from the frontages of properties on Ashford Road. However, given the separation distances involved, and the presence of the intervening busy Ashford Road, I do not consider this this could affect the outlook of these dwellings to an unacceptable degree. In my opinion, unacceptable impacts on outlook are commonly related to proposals where there is a very close relationship between a proposed development and an existing dwelling / building (i.e. within a few metres), or where it relates to a development of far greater height and scale than is proposed in this scheme. Although the occupants of these dwellings would have been used to a view of an undeveloped field, the change in this view is not a planning consideration. Members will be aware that many buildings typically face towards other built form at much closer distances than is proposed under this scheme.
- 3.18 On the basis of the above, whilst there is a degree of subjectivity in assessing the impacts on neighbouring amenities, I consider the proposal falls well short of causing unacceptable impacts, primarily due to the substantial separation distance that would be maintained across Ashford Road. On this basis, I would advise that refusal on such grounds would be very difficult to sustain at an appeal.

Design / Scale of the buildings

- 3.19 A number of Members of the Planning Committee raised concerns regarding the design of the development, which I have broadly summarised as follows –
- The design and scale of the food store is considerably larger than the local shop that was agreed in the outline permission.
 - The design of the food store is a generic design adopted by the proposed retailer for numerous stores in the area. It should be more distinctive to the area.
 - The design of the hotel is unimaginative and is essentially a large flat roofed box.
 - A pitched roof is preferred
 - The buildings should be designed with a greater sense of place, with regard for local vernacular, and be in keeping with the architectural articulation on dwellings nearby.
- 3.20 In terms of the first point, Members should note that following the grant of planning permission, any applicant is of course entitled to submit an application for alternative scheme – and the fact that such scheme may be larger than previously approved is not in itself a reason for refusal.

- 3.21 The applicant has chosen not to fundamentally change the design of the scheme. The Brise Soleil detailing on the food store has been increased, and some further detailing has been provided to “pull” the cladding on the hotel building further away from the brick work. Whilst I consider these to be improvements, both designs remain essentially as previously seen by Members with some minor amendments.
- 3.22 In my design assessment of the scheme (Paragraphs 4.21 – 4.24 of my deferred report and paragraphs 8.25-8.34 of my May report) I advised that I was content that the scheme offered a good standard of design, and I gave reasons why a contemporary approach was more appropriate for these larger scale buildings. I also advised in my deferred report that the Council’s Principal Urban Design and Landscape Officer was also content with the design of the scheme.
- 3.23 I do not intend to repeat my previous comments in detail here, and clearly the amendments submitted by the applicant are minor ones. However if Members are concerned about the adequacy of the design and seek to refuse on this basis, then this clearly is a subjective matter which has a greater chance of being substantiated at an appeal, provided that Members are very clear why the design approach is unacceptable. I maintain that the design is acceptable, but Members are of course entitled to take a different approach.

Other matters

- 3.24 Sustainable Transport – A Member of the Planning committee queried why contributions had not been sought to provide better public transport links to the site. Following this, the applicant has offered a sum of £20,000 towards such measures. KCC Highways advise that this would be best used in providing additional bus stops on Ashford Road, close to the entrance to the site, which in turn would make the use of an existing bus service (The 666 route) more attractive. Discussions are currently being held with the applicant and KCC Highways as to how this is best achieved, and I will update Members at the meeting.
- 3.25 EV Charging – Following concerns raised by Members that rapid chargers should be provided, the applicant has revisited this, and has confirmed that they would provide 2 x 50Kw chargers and 3 x 7Kw fast chargers on the hotel site (to replace the 6 No 7kw fast chargers previously proposed). This would be in addition to the provision on the food store site of 2 x 22kw fast charge points with infrastructure for a further 4 charging points, and a £20,000 contribution towards charging facilities in the wider Faversham area.
- 3.26 I consider that these add positively to the development proposals.

4.0 CONCLUSION

- 4.01 My advice to Members remains that planning permission should be granted for this scheme. However if Members seek to overturn my recommendation, I have provided advice on the likelihood of sustaining the various potential grounds of refusal raised by Members at the last Committee meeting and would advise that Members should take this into account.

5.0 RECOMMENDATION

That delegated powers are given to GRANT Planning permission, subject to –

- Resolution over the process to secure bus stop improvements on Ashford Road
- Completion of a S106 Agreement to secure the highways contributions sought by KCC Highways and Highways England, and the £20,000 contribution

towards off site EV charge points.

- The following conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

General

- 2) The development shall be carried out in accordance with the following approved plans: 1416-PP Rev C, 1416-PCL Rev A, 1416-90 Rev E, 1416-300 Rev N, 1416-301 Rev M, 1416-350 Rev D, 1416-206 Rev D, 1416-205 Rev F, 1416-201 Rev D, 1416-200 Rev H, 1416-110 Rev LL, 1416-310, 1416-503

Reason: To accord with the application, in the interests of proper planning

- 3) No development beyond the construction of foundations shall take place in any phase until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved for that phase have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 4) Prior to the installation of each element described below for the hotel, the following building details (drawings to be at a suggested scale of 1:5 or as appropriate in order to show sufficient detail) shall be submitted to and approved in writing by the Local Planning Authority:
 - Section drawings of window frames and glazing bars, to include depth of window reveal from the external face of the building.
 - Manufacturer's colour brochure and specification details of the window product.
 - Section drawings of the junction between the cladding materials, brickwork and facing materials on the elevations of the building.
 - A section drawing of the wall capping detail
 - Facing materials for the lift overrun and plant enclosure on the roof of the hotel building.
 - Details of rainwater goods

The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and design quality.

- 5) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development in any phase beyond the construction of foundations shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reasons: In the interest of Security, Crime Prevention and Community Safety

- 6) No development relating to the hotel or food store phases shall take place until details of the means to achieve a minimum of BREEAM "Very Good" rating, which shall

include the list of renewable and energy saving measures as set out in the Sustainability Briefing note (received on 23/08/19), have been submitted to and approved in writing by the local planning authority for that phase. Prior to the use of the food store or hotel, the relevant design stage certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved for that phase.

Reason: In the interest of promoting energy efficiency and sustainable development.

Construction

- 7) No development in any phase shall take place until a Construction and Environmental Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved Statements shall be adhered to throughout the construction period for those phases. These shall include details relating to:
- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
 - (ii) The loading and unloading and storage of plant and materials on site;
 - (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development phase during construction;
 - (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
 - (vi) Measures to control mud deposition off-site from vehicles leaving the site, including the provision of wheel washing facilities;
 - (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
 - (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site;
 - (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking;
 - (x) Lighting strategy for the construction phase, designed to minimise light spillage from the application site; and
 - (xi) Measures to manage the routeing and timings for construction and delivery vehicles

Reason: To ensure the development does not prejudice conditions of residential amenity, highway safety and convenience, and local ecology, through adverse levels of noise and disturbance during construction.

- 8) No construction work in connection with each phase of the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0730 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity

- 9) No impact pile driving in connection with the construction of each phase of the development shall take place on the site on any Sunday or Bank Holiday, nor any other day except between the following times:- Monday to Friday 0800-1800hours,

Saturday 0800 - 1300, unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

Highways

- 10) The access details (including footpath connections) for each phase shown on the approved plans shall be completed prior to the occupation of that phase hereby approved, and the accesses shall thereafter be maintained.

Reason: In the interests of highway safety.

- 11) The area shown on the submitted plans as loading, off-loading and vehicle parking spaces shall be used for or be available for such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on that area of land or in such a position as to preclude vehicular access to this reserved area; such land and access thereto shall be provided prior to the commencement of the use hereby permitted.

Reason: Development without adequate provision for the parking, loading or off-loading of vehicles is likely to lead to parking inconvenient to other road users

- 12) Prior to the commencement of the external works for each phase, details of the secure covered cycle storage facilities for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: in the interests of sustainable development

- 13) No occupation of each phase shall take place until a Staff Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement (including the appointment of a travel plan coordinator). Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: in the interests of sustainable development

- 14) Prior to the occupation of each phase, details of electric charging facilities – to be of a type as set out in the Sustainability Note by Pegasus Planning and the email dated 23/09/19 - to be provided in that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to first public use of the buildings, and maintained thereafter.

Reason: In the interests of sustainable development.

- 15) No development in any phase shall be brought into use until the visibility splays for that phase as shown on the Site Access Visibility Splays Plan (drawing 17-0303/VS01 appended to the Transport Assessment) have been provided, and such splays shall thereafter be maintained with no obstructions over 0.9 metres above carriageway level within the splays.

Reason: In the interests of highway safety.

Landscaping

- 16) No development in any phase shall take place until full details of all existing trees and/or hedges in that phase, details of any trees or hedges proposed for removal, and measures to protect any trees or hedges shown to be retained within or immediately adjacent to the site, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include
- (a) a plan showing the location of, and allocating a reference number to each existing tree and hedge on the site to be retained and indicating the crown spread of each tree, and extent of any hedge, and identifying those trees and hedges to be removed.
 - (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree and hedge.
 - (c) details of any proposed arboricultural works required to any retained tree or hedge
 - (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree.
 - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development .

The development shall be carried out in accordance with the approved details and the approved protection measures shall be installed in full prior to the commencement of any development, and retained for the duration of construction works. No works, access, or storage within the protected areas shall take place, unless specifically approved in writing by the Local Planning Authority

In this condition "retained tree or hedge" means any existing tree or hedge which is to be retained in accordance with the drawing referred to in (a) above.

Reason: In the interests of protecting existing trees and hedges which are worthy of retention in the interests of the amenities of the area.

- 17) No development beyond the construction of foundations shall take place in any phase until full details of hard landscape works for that phase have been submitted to and approved in writing by the Local Planning Authority. These details shall include means of enclosure, hard surfacing materials, and measures to prevent vehicles from overhanging onto paths and landscaped areas within the car park, and an implementation programme. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

- 18) Unless agreed otherwise, the soft landscape works shall be carried out in full accordance with the landscape drawing 8285-L-01J, other than the following details which shall be submitted to and approved in writing by the Local Planning Authority prior to any development beyond the construction of foundations in any phase –
- Details of an alternative tree species to be planted within the car park of the hotel development.
 - Details of the design and specification of tree pits to be installed within the scheme.

The development shall be carried out in accordance with the approved soft landscaping details, which shall be completed prior to the occupation of each phase of the development or in accordance with an implementation programme agreed in writing with the Local Planning Authority.

- 19) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 20) No development beyond the construction of foundations to the hotel shall take place until details of the design and siting of a public art installation have been submitted to the Local Planning Authority. The approved details shall be installed prior to first opening of the hotel, or within six months of approval by the Local Planning Authority, whichever is the sooner.

Reason: In the interests of the visual amenities of the area.

- 21) The open space for each phase, as identified on drawing 1416 OSA Rev A shall be provided and made available for public use at all times prior to first occupation of that phase of the development, and maintained as such thereafter.

Reason: To ensure that the development contributes to wider space objectives as set out under Policy MU7 of the Local Plan.

Contamination

- 22) Piling or any other foundation designs using penetrative methods shall not be permitted within the relevant phase other than with the express written prior consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development of that phase shall be carried out in accordance with the approved details.

Reason: To protect controlled water and comply with the NPPF.

- 23) If, during development of a relevant phase, contamination not previously identified is found to be present in that phase then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out in that phase until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters and comply with the NPPF.

Drainage

- 24) No infiltration of surface water drainage into the ground in any phase is permitted other than with the written consent of the Local Planning Authority for that phase. The development shall be carried out in accordance with any such approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework

- 25) No development shall be occupied in any phase until the approved means of foul sewerage disposal for that phase have been completed.

Reason: To ensure adequate foul drainage facilities are provided

- 26) No development in any phase shall take place until a detailed sustainable surface water drainage scheme for that phase has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by each phase of the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site, as detailed within the Flood Risk Assessment and Drainage Strategy prepared by BSP Consulting referenced 17-0303/FRA-DS, without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 27) No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme for that phase is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:
- A description of the drainage system and its key components
 - A general arrangement plan with the location of drainage measures and critical features clearly marked
 - An approximate timetable for the implementation of the drainage system
 - Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
 - Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- 28) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system for that phase, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately

managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

Environmental

- 29) No dust or fume extraction or filtration equipment, or air conditioning, heating, ventilation or refrigeration equipment shall be installed on each phase of the development until full details of its design, siting, discharge points and predicted acoustic performance for that phase of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential properties.

- 30) No deliveries shall take place outside the hours of 0600 - 2300 hours Monday to Saturday, and deliveries between the hours of 0600 - 0700 shall be conducted in line with the Delivery Management Plan dated November 2018. No deliveries shall take place on a Sunday, bank or public holiday outside of the hours of 08:00 - 20:00, and deliveries between the hours of 08:00 and 09:00 shall be conducted in line with the Delivery Management Plan dated November 2018.

Reason: In the interests of residential amenity.

Retail impact

- 31) The development hereby approved shall only be used as a Class A1 retail food store and shall be restricted to 'limited product line deep discount retailing' and shall be used for no other purpose falling within Class A1 of the Town and County Planning (Use Classes) Order 1987 (or any order revoking or re-enacting or amending that Order with or without modification). 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 2,000 individual product lines.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 32) The Total Class A1 (retail) floorspace hereby permitted shall not exceed 1,725 sqm gross internal area. The net sales area (defined as all internal areas to which customers have access, including checkouts and lobbies) shall not exceed 1,254 sqm without the consent of the Local Planning Authority.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 33) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), the Class A1 (retail) floorspace hereby permitted shall be used primarily for the sale of convenience goods with a maximum of 251 sqm of the net sales area devoted to comparison goods

Reason: To control the extent of comparison goods retailing, Reason: to prevent unacceptable impacts upon the vitality and viability of Faversham Town Centre

- 34) The Class A1 (retail) unit hereby permitted shall be used as a single unit and shall not be sub-divided into two or more units, and no concessions shall be permitted within the unit.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 35) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), no mezzanine floor or other form of internal floor to create additional floorspace other than that hereby permitted shall be constructed in the hereby permitted Class A1 (retail) unit.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 36) The class A1 retail use hereby permitted shall not be open to customers or any other persons not employed within the business operating from the site outside the following times 0700 - 2200 on weekdays, Saturdays and Bank and Public Holidays and any 6 hours between 1000 - 1800 on Sundays.

Reason: In the interests of residential amenity.

Ecology

- 37) No installation of an external lighting scheme for each phase shall take place until a bat sensitive lighting scheme to minimise impacts on bats, for each phase, is submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and biodiversity

- 38) No development of any phase shall take place until a detailed mitigation strategy for all protected species has been submitted to, and approved in writing by, the Local Planning Authority for that phase. The development shall then be implemented in accordance with the agreed strategy.

Reason: In the interests of biodiversity

- 39) No development beyond the construction of foundations shall take place in any phase until a detailed scheme of ecological enhancements for that phase have been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be completed prior to first use of the building.

Reason: In the interests of biodiversity.

Archaeology

- 40) No development of any phase shall take place until the applicant, or their agents or successors in title, has secured the implementation of the following, for each phase:
- (1) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - (2) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological

investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record

INFORMATIVES

- (1) For the avoidance of doubt, the electricity substation can be constructed in accordance with the approved details and without a requirement to comply with the above pre-commencement conditions other than condition (40)
- (2) For the avoidance of doubt, works in connection with condition (40) (Archaeology) shall be permitted to take place without a requirement to comply with the above pre-commencement conditions.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this case, the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

